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Plan Commission Minutes August 2, 2018

CALL TO ORDER

The Acting Chairman, Mark Davis, called the meeting of the Plan Commission to Order on Thursday, August 2, 2018, at 7:00 PM.

PLEDGE OF ALLEGIANCE & SWEAR IN

The Pledge of Allegiance was recited and the Petitioners and audience who want to speak were asked to remain standing to be sworn in.

ATTENDANCE/ROLL CALL

Members Present: Mark Davis, Don Luddeke, Peggy Cunningham, Roger Tracy, Don Scaturro, Marc Griffin and Wayne Reuter. Also present were: Zoning Administrator Steve Willaredt, Attorney Derek Filcoff, Alderman Tim Elliott, Alderman Bob Pickerell and Economic Development Director James Amos. Excused absence: John Janek, Mary Jo Akeman and Andy Mathes.

MINUTES/AGENDA

Motion to approve the Minutes from the previous meeting (July5, 2018), and this evening's Agenda was made by Marc Griffin and seconded by Don Luddeke. Voice Vote. All ayes. Motion carried.

COMMENTS BY THE CHAIRMAN

The Chair stated to the Petitioners, the Plan Commission is a recommending body to the City Council and the Council will make the final determination at their next Council meeting scheduled to be held on Tuesday, August 21, 2018.

COUNCIL REPORT

Alderman Tim Elliott stated the City Council concur with the Plan Commission and approved 4300 and 4306 Nameoki Rd. for a PUD development permit for construction of Veterinary Animal Hospital and Clinic in a C-6 District with a C-5 use.

PETITIONER:(1) Dennis Winn & Leesa Moore

1410 Niedringhaus Ave.

Parcel: 22-2-20-19-05-101-028

District Zoned: C-4 / Sub-District D-1 Arts & Entertainment

The Chair stated this is a request to allow the petitioner to paint a mural on the rear wall of 1410 Niedringhaus, District zoned: C-4 /Sub-District D-1 Sub District.

Leesa Moore came forth and introduced herself and stated she resides at 1410 Niedringhaus Ave. Ms. Moore stated that Dennis Winn and her currently operate a tattoo parlor at 1410 Niedringhaus Ave. They would like to paint a mural on the rear entrance to the building. This mural would project artwork and also signage for their business. The mural would cover the entire wall of the building. The signage can only be observed from Grand Ave. since the business does not physically face the street. Hoping this would draw attention to their business. Zoning Commissioner Willaredt indicated that since this is within the HARC district it required a special permit to be allowed to paint the mural.

Alderman Pickerall commented that with the business being located on the alleyway and recessed that it can be only visible from the Grand Ave side.

Questions concerned as to the graphic to whether the symbols met anything. Ms. Moore indicated that there was no rhyme or reason it was doe this way, just to take up space.

There were no further comment for or against this petition.

Acting Chair Davis asked if there was anyone in the audience that wanted to speak for or against the petition, none voiced.

MOTION by Marc Griffin and seconded by Roger Tracy to approve the petition and allow the painting of a mural on the rear wall of 1410 Niedringhaus Ave. as presented to this board.

ROLL CALL VOTE

Mark Davis	Yes	Don Luddeke	Yes	Peggy Cunningham	Yes
Roger Tracy	Yes	Don Scaturro	Yes	Marc Griffin	Yes

Wayne Reuter Yes

NEW BUSINESS

Alderman McDowell was unable to be present at tonight's meeting. He presented a concern in regards to fencing on Commercial Properties. Currently there is nothing within the Zoning Ordinance Article 5 that addresses fencing on Commercial properties. The case in point is the developer at Nameoki Rd. and Johnson Rd. attempting to attract business and the owner of adjoining property has erected a fence.

Alderman McDowell believes that the ordinance needs to be amended to stipulate that both property are in agreement to fencing or there shall be none.

Zoning Administrator Willaredt indicated that this cannot be something that would be retroactive because of a potential lawsuit.

Asst. Attorney Derek Filcoff related that he does not know of the effects that would have for future development.

Economic Developer Amos related that the problem in that we are dealing with is that two individuals this currently effects is with a fence that exists between the properties. He has researched different municipalities and has found nothing that will be support either way.

If two commercial property owners want a fence both owners must agree or a fence will not be permitted. The proper way is to apply for a variance and go through the petition process. There is nothing within the Zoning Ordinance or the municipal code that will allow or deny a fence between commercial properties.

Motion by Don Scaturro and seconded by Marc Griffin requesting Attorney Filcoff to draft language to be amend the Zoning Ordinance to reflect the requirement for a variance if a fence is requested between two commercial properties Voice Vote. All ayes. Motion carried.

UNFINISHED BUSINESS

Motion to adjourn was made by Marc Griffin and seconded by Peggy Cunningham. Voice Vote. All ayes. Motion carried.

Respectfully submitted, Steve Willaredt Plan Commission

PLAN COMMISSION ADVISORY REPORT

Hearing Date: August 2, 2018

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Wayne Reuter	Yes				